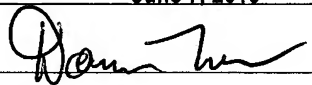
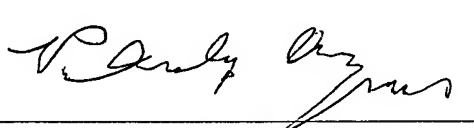


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PTO/SB/33 (07-09)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		18525-0817	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on <u>June 7, 2010</u>  Signature <u></u>  Typed or printed name <u>Donna Turen</u>		Application Number	Filed
		10/811,478	March 26, 2004
		First Named Inventor	
		Brown, et al.	
		Art Unit	Examiner
		2194	Diem K. Cao
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Philip G. Meyers	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,478</u>		Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		(972) 874-2852	
		Telephone number	
		June 7, 2010	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: 18525-0817

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Brown, et al.

Serial No.: 10/811,478

Filing Date: March 26, 2004

Art Unit: 2194

Examiner: Diem K. Cao

For: SYSTEM AND METHOD FOR PROJECT MANAGEMENT

MAIL STOP: AF

Assistant Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Donna Turner

Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

This is in response to the Final Office Action mailed January 5, 2010. Claims 1, 2, 5-18, and 20-22 remain pending. A notice of appeal accompanies this paper.

Claims 1-2, 5-12, 18 and 20-22 are rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. The examiner states that the specification does not support the steps of "displaying a description...standards...and displaying a reporting screen... predetermined standards." It is not clear why this rejection was first made after final rejection, since the inability to make substantive claim amendments after final prevents applicants from making amendments to bring the claims in closer accord with the words used in the specification. At the least, a new non-final examiner's action is requested so that applicants get a fair chance to respond to the 112 issues the examiner has raised. The original claims are part of the disclosure as filed and hence steps such as "displaying a reporting screen containing reporting instructions for the selected development phase, which instructions relate to

compliance with the quality assurance steps for that phase according to at least one of the standards.”

Claims 1, 2, 5-18 and 20-22 were rejected under 35 U.S.C. 103 as unpatentable over Walsh U.S. Patent Application 20020147620 and Davies, et al. U.S. Patent Application 20030033191. Walsh is directed to a software quality assurance management system and relied for claim elements: [0031],[0032],[0026],[0042],[0054],[0032],[0055],[0037]. The examiner then states at page 4 of the first office action “Walsh does not explicitly teach the project is defined by a series of development phases, each phase must be evaluated, selecting a user role, and displaying a description of what a user having that role should do during the selected phase.” This is inconsistent with the examiner’s explanation at pages 3-4, wherein the examiner makes reference to a project in Walsh.

The present invention is a phase-based system and method. Without reference to a project defined by a series of phases, it makes no sense to discuss the details of Walsh, which is an auditing method. The present invention is instructional in nature. It does not simply evaluate according to standards, rather it provides instructions to the user as to how to enter information needed to meet the standards. This is missing from Walsh.

For the displaying step of claim 1, the examiner cites Walsh step 106: This step provides: “Enter Completed SQA Activity Into System” - [0054] Once a particular SQA activity has been accomplished, the SQA Engineer (auditor) records (via an activity form displayed on the client computer 12), in a step 106, the completed activity in the system 20. Information regarding the activity name, the date the activity was performed, and/or notes about the activity are captured in the activity form.

Consistent with the purpose of the system for auditing, it does not instruct users how to meet the requirements of the standard; rather it simply monitors compliance after the fact. It likewise does not base the display on the user’s role in the project. Most of the steps of applicants’ method are not met by the Walsh reference, and the examiner admits this at page 4 of the first action.

Davies relates to systems and system components that facilitate new product development and product life cycle management in an enterprise. A multi-phase product development program is discussed. It is not evident how, if at all, the systems of Walsh and

Davies could be combined, or how the examiner proposes to combine them. One is an auditing system, the other plans product development.

[0120] According to specific embodiments, the present invention supports Stage-Gate.TM. (a trademark of the Product Development Institute) or Phase-gate approaches to PLM. Each Life cycle can be broken down into large blocks of work that are called Phases. For example, a Life cycle might start with a Justification Phase, followed by an Exploration Phase, which must be completed prior to undertaking a full-fledged Development Phase. Each Phase can include a Gate Review, an evaluation point where the health and attractiveness of the Program is assessed and where a "Go/No Go" decision is made. FIG. 3 is an example block diagram illustrating an example six-phase life cycle according to specific embodiments of the present invention.

Applicants step of "displaying a description of what a user having that role should do during the selected phase for each quality assurance step to comply with one of the predetermined standards" is not a Gate Review as Davies discusses. The present invention is about instructing individual users how to comply with the applicable standards at each phase of the project, and then allowing the user to input such information. The present invention is only a part of a larger project management system such as disclosed by Davies. Moreover as provided in claim 1, the user is instructed how to enter information which meets two standards at the same time:

"wherein the displayed description comprises composite instructions meeting two or more predetermined standards." The prior art cited by the examiner suggests that multiple quality standards exist, but the cited systems do not however suggest the possibility of using "composite instructions" as defined in applicants claims. Work in which an SQA Management System 20 may be implemented. In particular, the preferred embodiment of the present invention configures the SQA Management System 20 to implement an SQA program that complies with the requirements of the CMM defined by the Software Engineering Institute ("SEI") at Carnegie-Melon University. However, in other embodiments, the SQA Management System 20 may also be configured to implement other types of quality assurance and/or auditing programs such as those used for ISO 9000 and/or TL 9000.

The mention of CMM and ISO is in the alternative; use one standard or the other. There is no teaching of providing instructions that meet both standards at the same time, as required by the present claims. In this respect and others as discussed above, the cited references,

individually or in some combination which is unclear, do not meet all of the limitations of applicants claims, and thus do not render obvious the claims.

No prima facie case for obviousness of the system and method claimed by applicants is made out unless the examiner provides a reasonable basis for making the combination. There is no discussion in Walsh of what manner of instructions are displayed to the user completing different forms as the reference describes. To the extent the displayed instructions relate at all to a standard, par [0042] suggests the system implements one standard at a time. Accordingly for the foregoing reasons, claims 1, 13 and 18 as amended are patentably distinct from the systems of the cited references.

Applicants have made an earnest attempt to place the case in condition for allowance. Favorable action and passage of the case to issue are respectfully requested. It is believed that no other fees are due. If this is incorrect, please charge any required fees to Deposit Account No. 50-1588.

Respectfully submitted,



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Philip G. Meyers  
Reg. No. 30,478

Date: June 7, 2010

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